

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

IN RE:)	CHAPTER 13
)	
CORNELL E. RANDOLPH)	N07-11583-WHD
ZENA Y. RANDOLPH)	
)	
Debtors)	

NOTICE AND ASSIGNMENT OF HEARING

NOTICE IS HEREBY GIVEN THAT a Motion to Approve Settlement Agreement was filed in the above captioned case was filed in the above styled case on January 26th, 2011.

A HEARING will be held on February 17, 2011, at 9:20 am, in The United States Courthouse, 18 Greenville Street, Newnan, Georgia 30263.

Your rights may be affected by the court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in the bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the court to grant the relief sought in the pleadings or if you want the court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk a least two business days before the hearing. The address of the Clerk's Office is: Clerk, U.S. Bankruptcy Court, Suite 1340, 75 Spring Street, Atlanta, Georgia, 30303. You must also mail a copy of your response to the undersigned at the address stated below.

THE AUTOMATIC STAY SHALL REMAIN IN EFFECT WITH RESPECT TO
MOVANT(S) UNTIL THE COURT ORDERS OTHERWISE.

Evan M. Altman
Attorney for the Movant
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(770) 394-6466

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IN RE:) CHAPTER 13
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Debtors)

**MOTION TO APPROVE SETTLEMENT IN
CASE OF CORNELL RANDOLPH V. THE SOD SOURCE INC., WALTER PERRY, AND
WILLIE B. BAILEY AND ZENA RANDOLPH V. THE SOD SOURCE INC., WALTER
PERRY, AND WILLIE B. BAILEY AND TO APPROVE THE DISBURSEMENT OF
ATTORNEYS FEES TO MONTLICK & ASSOCIATES, EXPENSES AND NET
SETTLEMENT PROCEEDS FROM THE SETTLEMENT OF THE CASE**

COME NOW Debtors, CORNELL E. RANDOLPH and ZENA Y. RANDOLPH
Debtor/Plaintiff above (hereinafter "Debtors"), by and through the undersigned counsel, and
submits this Motion to Approve Settlement and to Approve the Disbursement of Attorney's fees,
Expenses and Net Proceeds from the Settlement of the Case. In cases of CORNELL
RANDOLPH V. THE SOD SOURCE INC., WALTER PERRY, AND WILLIE B. BAILEY
State Court of Fulton County, Civil Action No., 10CV10748-5 and the case of ZENA
RANDOLPH V. THE SOD SOURCE INC., WALTER PERRY, AND WILLIE B. BAILEY
State Court of Fulton County, Civil Action No., 10CV10749-5. In support of this Motion,
Debtors show as follows:

1.

Debtor filed the above captioned case, under 11 U.S. C. Chapter 13 on or July 2, 2007,
to prosecute a successful Chapter 13 case.

2.

On October, 4, 2007, during the pendency of the above captioned case both Debtors were injured in a personal injury matter, (hereinafter 'Injury Cases') where each of the respective personal injury cases are referenced above and where both Injury Cases are ready for settlement.

3.

On or around, January 21, 2009, Montlick & Associates was appointed by this Court, as Special Counsel to represent Debtors in the above referenced Injury Cases. Montlick & Associates did associate the firm of John T. Mitchell Jr., LLC to assist in the settlement of the case.

4.

Based upon the understandings and assessments of each party, the parties, acting at arms length and in good faith and with the advice of Special Counsel, the parties in the Injury Cases, have negotiated and entered into respective Settlement Statements, copies of which are attached hereto as Attachment "A". In the Settlement Statements are the disbursement schedule of fees, expenses and proceeds for the CORNELL RANDOLPH'S Injury Case and the ZENA RANDOLPH'S Injury Case.

5.

Under the terms of the Settlement Agreement, the Defendants will pay to the Debtors the following: the sum of SEVENTEEN THOUSAND DOLLARS (\$17,000,00), to CORNELL RANDOLPH and the sum of SEVENTEEN THOUSAND DOLLARS (\$17,000.00) to ZENA RANDOLPH pursuant to their respective cases referenced above, subjective to the disbursements listed on each respective Settlement Statement. All the parties to Injury Action will release each other from all claims accrued prior to the date of the settlement and the Injury Cases shall be dismissed with prejudice. See Attachment "B".

6.

Approval of the respective Settlement Agreements is in the best interests of the bankruptcy estate, the creditors and the parties to the Injury Cases.

7.

No creditor will be prejudiced by the terms of the respective Settlement Agreements.

8.

It is the Debtors' intention to use the net proceeds from the Injury Cases to pay-off in full, the remaining amounts owed on the above captioned Chapter 13 case.

9.

All creditors shall be served with this Motion and have the opportunity to object to the same.

WHEREFORE, Debtor prays as follow:

- 1) That an Order be issued approving the Settlement Statement.;
- 2) For such other relief as this Court deems equitable, just and proper.

This 26th day of January, 2011.

/s/ Evan M. Altman
Evan M. Altman
GA Bar No. 014066
Attorney for Debtor

Northridge 400
8325 Dunwoody Place
Building 2
Atlanta, GA 30350
(770) 394-6466

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the within and foregoing Notice of Hearing and Motion to Approve Settlement Agreement regarding the same by depositing same in the United States Mail with adequate postage affixed thereto to assure delivery, addressed as follows:

Adam M. Goodman
Chapter 13 Trustee
Suite 200
260 Peachtree Street
Atlanta, GA 30303

SEE EXHIBIT "A" ATTACHED.

This 26th day of January, 2011

/s/ Evan M. Altman
Evan M. Altman
GA Bar No. 014066
Attorney for Debtor

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